

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05-cr-28

THIS MATTER is before the Court upon motion of the defendant pro se for a reduction of sentence based on United States v. Simmons, 649 F.3d 237 (4th Cir. 2011) (en banc). (Doc. No. 98).

The defendant has not shown that decision is retroactive his sentence which was final before Simmons.

IT IS, THEREFORE, ORDERED that the defendant's motion is **DENIED**.

Signed: May 18, 2012

Robert J Conrad Jr.

Robert J. Conrad, Jr.
Chief United States District Judge

